

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

Docket No. 2019-224-E

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| In re: |) | |
| South Carolina Energy Freedom Act |) | |
| (H.3659) Proceeding Related to S.C. Code |) | PETITION TO INTERVENE |
| Ann. Section 58-37-40 and Integrated |) | OF JOHNSON DEVELOPMENT |
| Resource Plans for Duke Energy |) | ASSOCIATES, INC. |
| Carolinas, LLC |) | |
| |) | |

Petition to Intervene of Johnson Development Associates, Inc.

Johnson Development Associates, Inc. (“JDA”), in accordance with SC Code Regs. 103-825, submits this petition to intervene in the subject docketed proceeding. In support of this petition, JDA provides the following:

1. On June 13, 2019, the Public Service Commission of South Carolina (“Commission”) opened Docket 2019-224-E in accordance with South Carolina’s Energy Freedom Act (“The Act”) and as applicable to Duke Energy Carolinas, LLC. (“DEC”).

2. Duke Energy Carolinas, LLC (“DEC”) is an investor-owned utility that is regulated by the Commission. S.C. Code Ann. § 58-3-140. The Commission regulates and supervises DEC as to, among other things, its rates, services, facilities, and practices. *Id.*; *see also* R. 103-810 of S.C. Code of Regs. (citing S.C. Code Ann., §§ 58-27-10 *et seq.*). DEC’s rates, services, facilities, and practices are relevant to, and in part a function of, the development of its Integrated Resource Plan (“IRP”).

3. DEC must prepare IRPs, file them with the Commission every three years, and update them on an annual basis. *See* S.C. Code §§ 58-37-10 and 58-37-40 and Commission Order Nos. 1998-502 and 2010-124.

4. In Commission Order No. 1998-502, the Commission required IRP filings to include a 15-year demand and energy forecast; the utility's program for meeting its forecast requirements in an economic and reliable manner, including both demand-side and supply-side options; a brief description and summary of cost-benefit analysis, if available, of each option considered, including those not selected; and the supplier's or producer's assumptions and conclusions with respect to the plan's effect on the cost and reliability of energy service, and a description of the external, environmental and economic consequences of the plan to the extent practicable. Commission Order No. 1998-502; *see also* S.C. Code § 58-37-10; S.C. Code § 58-37-40 (setting forth revised requirements).

5. In Order No. 2012-26, the Commission declared that "the Commission's integrated resource planning process [constitutes] a proceeding under Section 103-804(Q) of our regulations, into which intervention is permitted." In rendering this decision, the Commission noted that "[t]he IRP process is an important planning tool for the Companies and the Commission," and that "a transparent and open process in this regard allows for increased sharing of information and ideas, which is valuable to all interested parties." Commission Order No. 2012-26. The Commission indicated that in future IRP dockets, intervention requests would be considered by the Commission.

6. The South Carolina Energy Freedom Act (H.3659) ("EFA"), S.C. Code § 58-37-40, passed in 2019, provides for Commission review of each utility's IRP and set forth new IRP requirements. Intervention and discovery are expressly provided under the EFA in order to assist parties in obtaining evidence concerning the IRP, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening parties. The Commission has 300 days after a utility's IRP filing to approve, modify, or deny the IRP based on consideration of resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve

margins; consumer affordability and least cost; compliance with applicable state and federal environmental regulations; power supply reliability; commodity price risks; diversity of generation supply; and public interest.

7. DEC is expected to file an annual IRP update with the Commission on or around September 6, 2019.

8. Petitioner seeks to intervene in this docket to advocate for integrated resource planning that evaluates resource alternatives and results in a low-cost, reliable portfolio of supply- and demand-side resources.

9. JDA is a South Carolina Corporation, founded in 1986 and headquartered at 100 Dunbar Street, Spartanburg, South Carolina, 29306. JDA is a multi-division developer of industrial, multi-family, self-storage, renewable energy, and commercial projects.

10. JDA has a direct and substantial interest in the outcome of this proceeding, and will be directly affected by the discussion and resolution of the topics covered therein. JDA's position and market presence relates directly to the details of this proceeding concerning DEC. JDA has or will have qualifying facilities under development or positioned in DEC's interconnection queue that will be impacted by the decisions this Commission makes regarding the implementation of DEC's Voluntary Renewable Program, other decisions made pursuant to S.C. Code § 58-41-30, and conditions this Commission finds necessary to implement the provisions of H. 3659. JDA has a substantial and specific economic interest in the implementation of H. 3659 as it relates to supplying renewable energy to commercial and industrial customers as JDA currently develops renewable energy projects in South Carolina. JDA's interest in this proceeding cannot be adequately represented or protected by any other party.

11. Pursuant to S.C. Code of Regs. 103-804(T), JDA is represented by the following counsel in this proceeding:

James H. Goldin (SC Bar No. 100092)
E-Mail: jamey.goldin@nelsonmullins.com

Weston Adams, III (SC Bar No. 64291)
E-Mail: weston.adams@nelsonmullins.com

Jeremy C. Hodges (SC Bar No. 71123)
E-Mail: Jeremy.hodges@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000

WHEREFORE, Petitioner prays that it be allowed to intervene as a party of record and participate fully in this proceeding.

Respectfully submitted this 20th day of August, 2019.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/James H. Goldin

James H. Goldin (SC Bar No. 100092)
E-Mail: jamey.goldin@nelsonmullins.com
Weston Adams, III (SC Bar No. 64291)
E-Mail: weston.adams@nelsonmullins.com
Jeremy C. Hodges (SC Bar No. 71123)
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000